

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| WENDY HOLDEN, Executrix of the Estate of | : | Civil Action |
| Joseph Troup Risser, Jr., deceased, <u>ET AL</u>, | : | |
| Plaintiffs | : | |
| | : | |
| v. | : | |
| | : | No. 08-2038 |
| DELORES H. FIDLER, <u>ET AL</u>., | : | |
| Defendants. | : | |

ORDER

AND NOW, this 3rd day of December 2008, upon consideration of Defendants' Motion to Dismiss (Doc. No. 12) and Plaintiffs' Response (Doc. No. 14), **IT IS ORDERED** that the Motion is GRANTED as unopposed, and Plaintiffs' Complaint is DISMISSED without prejudice to its reassertion by Plaintiffs in the appropriate Commonwealth of Pennsylvania Court of Common Pleas pursuant to 42 Pa. C.S.A. § 5103, governing transfer of erroneously filed matters.

The Clerk of Court is instructed to CLOSE this case for all purposes, including statistics.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge